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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,654	01/04/2002	Dale A. Gort	026032-3870	2920

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EXAMINER

BREVAR, MAERENA W

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/041,654

Applicant(s)

GORT, DALE A.

Examiner

Maerena W. Brevard

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 18-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-15, and 20-38 is/are rejected.
- 7) ☒ Claim(s) 10, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5 &amp; 7</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the telescoping members (Claim 3), the tray formed of mesh material (Claim 10), the deployable leg (Claim 11), the brackets (Claim 12), the spring-biased over-center device (Claim 19), the electrical conductor (Claim 23), a light coupled to the support member (Claim 24), means for communicating electrical power to articles (Claim 30), and the electrical interface (Claim 35) must be shown or the features canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: in line 1, following "to" -- be-- should be inserted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the usage position and stowed position" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Rychlock.

Rychlock discloses a storage system for a vehicle comprising:

- At least one support member adapted to be coupled to a vehicle (Figures 1, 2, and 5);
- A cargo device coupled to the support member (Figures 1-3 and 5);
- An adjustment device (Figures 1 and 2) operably engaging the support member and the cargo device;
- The support member is an elongated member having first and second ends adapted to be coupled to a vehicle;
- The first end of the support member includes a first quick-release connector (hook portion), to the same degree claimed;
- The first quick-release connector is capable of coupling to a rail member of a vehicle;

- The second end of the support member includes a second quick-release connector (hook portion), to the same degree claimed;
- The second quick-release connector is capable of coupling to a rail member of a vehicle; and
- The cargo device is selectively deployable between a usage (Figure 1) and stowage (Figure 5) position.

7. Claims 1, 2, 4, 5, 8, 9, 13-15, 20-22, 26-29, 31-34, and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanehl.

Kanehl discloses a storage system for a vehicle comprising:

- At least one support member adapted to be coupled to a vehicle (11a, 11b, 17a, 17b);
- A cargo device coupled to the support member (12);
- An adjustment device (25, 40) operably engaging the support member and the cargo device;
- The support member is an elongated member having first and second ends adapted to be coupled to a vehicle (Figure 3);
- The tray is slideable up and down which, in as much as set forth by applicant, are selectively usage and stowed positions;
- The cargo device is a tray (34) having a peripheral ledge (37) and a handle (30), to the same degree claimed;
- One or more cargo management devices to include compartments (34);
- One or more arms coupled to the underside of the cargo device (40);

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- The support member, cargo device, and adjustment device are selectively removable as a unit from the vehicle (Figure 2), to the same degree claimed;
- The support member is oriented in a generally vertical position;
- The cargo device is adjustable in a vertical direction and fixable at a plurality of heights (in slots 60); and
- The support member is adaptable to be coupled to a rear seat of a vehicle.

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Morford.

Morford discloses a storage system (Figure 5) for a vehicle comprising:

- At least one support member adapted to be coupled to a vehicle (110);
- A cargo device coupled to the support member (112, 114);
- An adjustment device (140, 142) operably engaging the support member and the cargo device;
- The support member is an elongated member having first and second ends adapted to be coupled to a vehicle (122, 124); and
- The support member is two or more (116, 118) elongated members in telescoping relation.

9. Claims 1, 23-25, 27, 30, 31, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by McKee.

McKee discloses a storage system for a vehicle comprising:

- At least one support member adapted to be coupled to a vehicle (90);
- A cargo device or holder coupled to the support member (5);

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- An adjustment device (82) operably engaging the support member and the cargo device;
- The support member includes an electrical conductor (42, 62) for transferring electrical power to a light (Column 4, lines 57-59) or cargo (52), to the same degree claimed; and
- A locking device (34), to the same degree claimed, adapted to releasably lock the cargo holder in a cargo storage position relative to the support member.

10. Claims 27-29, 31-34, and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by D'Onofrio et al.

D'Onofrio discloses a cargo management system comprising:

- Means for coupling at least one support column (24) to the interior of the vehicle;
- Means for coupling a cargo holder (16) to the support column;
- Means (36) for alternatively positioning the cargo holder in a usage and a stowed position;
- Means (48) for releasably locking the cargo holder in a usage position;
- Means (36, 38) for selectively adjusting the height of the cargo holder;
- At least one support member (24) coupled to the vehicle;
- A cargo holder (16) coupled to the support member;
- A locking device (34) to releasably lock the cargo holder in a storage position;
- A positioner interface (48, Column 4, lines 25-40) coupled to the cargo holder and support member;

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- At least one attachment device (Figure 3) adapted to couple to the support member to the vehicle;
- An adjustment device (36, 38) to adjust the height of the cargo holder;

Regarding claims 36-38, the method of providing a cargo storage system in a vehicle is inherent with the use of the system of D'Onofrio.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 11 and 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanehl, Jr. in view of Watkins.

Kanehl discloses all of the limitations of the claim except the tray comprising a selectively deployable support leg. However, Watkins teaches a tray having a selectively deployable support leg (262, Figures 6 and 7) having a first end coupled to the tray and a second end adapted to engage a floor of the vehicle (Column 9, lines 2-5). It would have been obvious to attach the deployable leg to the tray of Kanehl. Doing so would provide additional support and stabilization for the tray during transit.

Regarding claim 12, the leg (262) is considered a bracket capable of engaging a side portion of the vehicle, to the same degree claimed.



***Allowable Subject Matter***

13. Claims 10, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***


14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Benavidez et al., Smullen, Scheurer, Kent, Rosner, Mauchline, and Wang are cited for storage system devices for vehicles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maerena W. Brevard whose telephone number is 703/305-0037. The examiner can normally be reached on M-Th; 8:00 AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703/308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Maerena Brevard  
February 8, 2004

  
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